

ORDINANCE NO. 20161201-052

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2017 FOR PROPERTY IN THE WHISPER VALLEY PUBLIC IMPROVEMENT DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council makes the following findings:

- (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (Act) authorized the creation of the Whisper Valley Public Improvement District (District).
- (B) On August 5, 2010, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.
- (C) On September 14, 2016, the City Council approved an ordinance adopting the District's 2017 budget.
- (D) On November 3, 2016, the City Council approved a calendar year 2017 assessment, proposed year 2017 assessment roll, and a service plan for the District.
- (E) On December 1, 2016, the City Council held a public hearing, properly noticed under the Act, to consider the levy of the proposed assessments on property within the District for calendar year 2017.
- (F) At the December 1, 2016 public hearing, the City Council heard each objection to a proposed assessment, found in each case that the assessments levied against each parcel are reasonable and consistent with the special benefits conferred by the District, and passed on each objection before it closed the public hearing.
- (G) The assessments set out in Exhibit A, attached to and incorporated in this ordinance:
 - (1) should be made and levied against the property and property owners within the District;
 - (2) are in proportion to the benefits to the property for the services and improvements in the District; and

- (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owner for the benefits received and burdens imposed.
- (H) In each case, the property assessed is benefited by the services and improvements provided in the District.
- (I) The exclusion of certain property from assessment is reasonable because the excluded property will not receive a benefit from the District that is sufficient to justify an assessment and the exclusions promote efficient management of the District.
- (J) The procedures followed and apportionment of the cost of the services and improvements in the District comply with applicable law and the purpose for which the District was formed.
- (K) The assessments are based on each parcel owners pro rata share of the Assessable Acres.

PART 2. Exemptions and Exclusions. The Council exempts the following from payment of the assessment and excludes from the roll:

- (A) property of the City used for public purpose;
- (B) property owned by the County and property owned by political subdivisions of the State of Texas and used for public purpose; and
- (C) other property that is excluded by law or by agreement of the City and the petitioners.

PART 3. Assessment and Levy. The assessments shown on Exhibit A are levied and assessed against the property in the District and against the record owner of the property identified by the Travis Central Appraisal District records.

PART 4. Liability of Multiple Owners. Each owner of property in the District owned by two or more individuals or entities is personally liable for the amount of the assessment equal to the share of the total assessment against the property based on the owner's partial interest in the total property ownership. A property owner's interest in property may be released from an assessment lien if the owner pays the owner's proportionate share of an assessment.

PART 5. Interest and Lien.

An assessment shown on Exhibit A:

- (1) accrues interest at the rate of 0% from the effective date of this ordinance until January 31, 2017 for the portion of the assessment due on January 31, 2017;
- (2) accrues interest at the rate of 0% from the effective date of this ordinance until July 1, 2017 for the portion of the assessment due on July 1, 2017;
- (3) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after January 31, 2017 and July 1, 2017, respectively, until paid; and
- (4) is a lien on the property shown in Exhibit "A" and the personal liability of the property owner.

PART 6. Due Date and Collection. An assessment is due and payable in full on or before the due dates (January 31, 2017 and July 1, 2017). If a property owner defaults on payment of an assessment against the owner's property, the city manager may file suit to collect the assessment and may initiate a lien foreclosure, including interest, penalties, costs and attorney's fees.

PART 7. Statutory Authority. The assessments levied by this ordinance are made under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code.

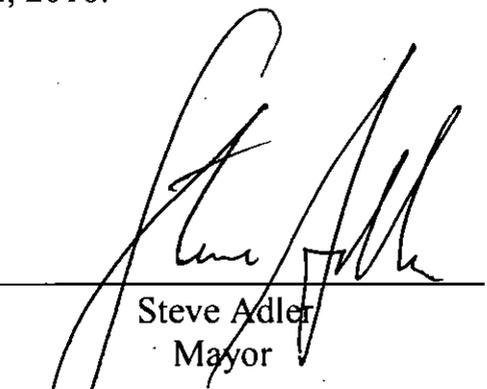
PART 8. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 9. This ordinance takes effect on December 12, 2016.

PASSED AND APPROVED

December 1, 2016

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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

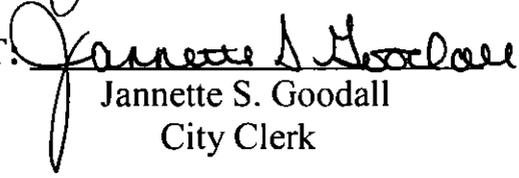
ATTEST: 
Jannette S. Goodall
City Clerk

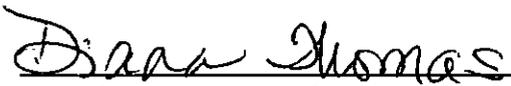
EXHIBIT A

City of Austin
Whisper Valley Public Improvement District (PID)
2017 Certified Assessment Roll

Property ID	Parcel Number	Owner Name	Lot Size	Assessment Due 1/31/2017
201773	02107001050000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 255,967.82
806427	02106001270000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 127,294.49
806428	02106001260000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 79,567.11
806429	02106001280000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 235,467.73
806430	02106001300000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 198,292.76
806431	02106001290000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 156,395.62
806432	02106001310000	CLUB DEAL 120 WHISPER VALLEY LP		\$ 183,211.41
806424	221 Lots	CLUB DEAL 120 WHISPER VALLEY LP		\$ 499,992.45
858606	02196208090000	Homes by Avi (Texas), LP	60'	\$ 458.15
858636	02196210030000	Homes by Avi (Texas), LP	50'	\$ 381.79
858641	02196210070000	Pacesetter Homes, LLC	35'	\$ 200.44
858643	02196210090000	Pacesetter Homes, LLC	35'	\$ 200.44
858658	02196210240000	Pacesetter Homes, LLC	35'	\$ 200.44
858659	02196210250000	Pacesetter Homes, LLC	35'	\$ 200.44
858660	02196210260000	Pacesetter Homes, LLC	35'	\$ 200.44
858661	02196210270000	Pacesetter Homes, LLC	35'	\$ 200.44
858662	02196210280000	Pacesetter Homes, LLC	35'	\$ 200.44
858663	02196210290000	Pacesetter Homes, LLC	35'	\$ 200.44
858664	02196210300000	Pacesetter Homes, LLC	35'	\$ 200.44
858665	02196210310000	Pacesetter Homes, LLC	35'	\$ 200.44
858667	02196210330000	Homes by Avi (Texas), LP	50'	\$ 381.79
858702	02196212150000	Homes by Avi (Texas), LP	50'	\$ 381.79
858703	02196212160000	Homes by Avi (Texas), LP	50'	\$ 381.79
858704	02196212170000	Homes by Avi (Texas), LP	50'	\$ 381.79

Total 1,740,560.89

I, Diana Thomas, CPA and Controller for the City of Austin, affirm and attest that this is a true and correct account of all assessments for the Whisper Valley Public Improvement District as of August 11, 2016 based upon data furnished to the City of Austin by Travis Central Appraisal District and by Club Deal 120, the developer. Club Deal 120 provided lot subdivision, owner name, and lot size data.


Diana Thomas, CPA, Controller, City of Austin